

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING COMMISSION  
HELD ON THURSDAY SEPTEMBER 9, 2010, AT 7 P.M., AT THE  
VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET.**

**MEMBERS PRESENT:** Dave Jones, Chairman  
Bill Booth  
Paul Mason  
Bob Patterson

**MEMBERS ABSENT:** Dawn Michelsen, Vice Chairperson

**STAFF PRESENT:** Anita McMillan, Planning and Zoning Director  
Karla Turman, Associate Planner/Code Enforcement Officer  
Julie S. Tucei, Planning and Zoning Coordinator  
Elizabeth Dillon, Town Attorney

**COUNCIL PRESENT:** Robert Altice, Vinton Town Council  
Matt Hare, Vinton Town Council

**OTHERS PRESENT:** Anita Setzer, Petitioner  
Tiana L. Tran, Petitioner  
Gerry Miller, Petitioner  
Sean Horne, Balzer and Associates, Roanoke, VA  
Ann Pope, Long and Foster, Roanoke VA  
Richard and Debra Brogan, Vinton, VA  
Ray Allen, Vinton, VA  
Charles McCarty, Moneta, VA  
Keith and Shane Setzer, Vinton, VA  
Mary Beth Layman, Vinton, VA  
Janet Scheid, Vinton, VA  
Tommy Wood, Vinton, VA  
Wayne and Nancy McGuire, Vinton, VA  
Sandra Jacobs, Vinton, VA  
Anthony Conner, Vinton, VA  
Galen Conner, Vinton, VA  
Dean Bushnell, Vinton, VA  
Tommy Overstreet, Vinton, VA  
Bob Lewis, Vinton, VA  
Dan Hudson, Roanoke, VA

**AGENDA**

- I. Call to Order**
- II. Approval of Minutes:**
  - 1. Public Hearing, April 27, 2010**
  - 2. Public Hearing, July 27, 2010**
- III. Approval of Planning Commission Bylaws**
- IV. Public Hearing Petition:**
  - Petition of Rachel Juanita Setzer, et al, for a rezoning of five tracts of land: 1015, 1021, 1027, 1037 and 1045 Hardy Road, tax map numbers**

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**061.17-03-10, 061.17-03-11, 061.17-03-12, 61.17-3-13 and 61.17-3-14.1 from RB Residential Business District to GB General Business District. The purpose of the rezoning is to allow for commercial development.**

**V. Other Business**

**VI. Adjournment**

The meeting of the Vinton Planning Commission was called to order at 7 p.m. Four members including Chairman Jones, Commissioner Booth, Commissioner Mason, and Commissioner Patterson were present. Vice Chairperson Michelsen was absent.

The first item on the agenda was the approval of minutes from the meetings held on April 27, 2010, and July 27, 2010. Mr. Patterson made a motion to approve both sets of minutes as submitted, and Mr. Booth seconded the motion. A roll call vote was taken, and all four members in attendance voted in favor of the motion.

The second item on the agenda was the approval of the Planning Commission Bylaws. Ms. McMillan stated that Ms. Turman had worked on the revisions to the bylaws. She also said they realize there are two new members on the commission and are willing to give them more time to review the bylaws if needed. She mentioned that the bylaws were last updated in 2004. Both new members, Mr. Booth and Mr. Mason, stated that they have no problem with the bylaws as given to them in their packets for review. A motion to approve the bylaws as written was made by Mr. Booth and seconded by Mr. Patterson. A roll call vote was taken and all four members in attendance voted in favor of the motion.

The next item was a rezoning request for five properties along Hardy Road. Chairman Jones stated that speakers will be limited to five minutes to speak and should have signed the attendance sheet in advance. He then introduced the request: The petition is from Rachel Juanita Setzer, et al, for a rezoning of five tracts of land: 1015, 1021, 1027, 1037 and 1045 Hardy Road, tax map numbers 061.17-03-10, 061.17-03-11, 061.17-03-12, 61.17-3-13 and 61.17-3-14.1 from RB Residential Business District to GB General Business District. The purpose of the rezoning is to allow for commercial development. Ms. McMillan asked Ms. Turman to present her staff report. Ms. Turman read the report for the benefit of those in attendance. A copy of the complete report will be made a part of the permanent record. One portion of the Ms. Turman's report regarding proffers was amended – proffers can be accepted up to the Town Council public hearing on the request. Chairman Jones then asked Ms. Tucei to call the first name on the sign in sheet. Ms. Pope was called. She stated that she is representing the sellers of the properties. She said they had an engineer do a traffic summary of the area. Ms. Pope stated that she has a possible buyer for the properties, but they will not commit to the purchase until it is rezoned. She also said the potential buyer was leery because they felt Vinton does not welcome new businesses in Town. She then asked Sean Horne of Balzer and Associates to present the traffic summary he performed. Mr. Horne stated that certain things cannot be determined without knowing specifically what would occupy the property. He based the summary on generic retail type uses and found that right and left turn lanes would be needed. The next speaker called was Ms. Brogan. She said she would like to see Vinton grow, and there is a need to think about rezoning so the properties can be used again. She said she felt that care should be taken with how the property is developed and who will be allowed to occupy the area. Mr. McCarty was the next speaker. He stated that he started in business in Vinton in 1956—he said he thinks

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he is the oldest active business owner in Town. He mentioned the fact that Hardy Road has five lanes whereas Interstate 81 only has four lanes. Mr. McCarty said that he feels that Vinton is very anti-business. He stated that the area's businessmen think that Vinton has a bad business atmosphere. Mr. McCarty mentioned that developers are currently building a new Walgreen's in Rocky Mount. Mr. McCarty stated that he had never seen Vinton as bad as it is now. He listed the properties that he currently owns in Town. Ms. Setzer, the petitioner, was the next person to speak. She greeted the Commissioners and also thanked Ms. Turman for all her help on the request. She stated that she is a long-time Town resident, and she mentioned that she is a retired Roanoke County School teacher. Ms. Setzer spoke about the lights that used to shine in her windows from W. E. Cundiff Elementary School after it was built. She said she was not mad about the lights and that she just bought blinds to block the light. Ms. Setzer would like to rezone 1037 Hardy Road from RB Residential Business to GB General Business. She mentioned that her property has been for sale since 1992. She stated that the other four property owners have joined her in asking that their properties also be rezoned. She feels that RB zoning may have been correct at one time, but now it is outdated. Ms. Setzer said now is the time for change, and she feels we need to move on to bigger and better things for Vinton. She said the current zoning does not reflect the conditions that now exist. Ms. Setzer stated that two of the five properties are for rent and vacant at this time. She said her property would be vacant, too, if she had not lowered the rent on it. She said the last tenant she had there was evicted from her property by a judge and left a \$3000 debt that has not yet been paid to her. She reminded the commission that just three years ago a multi-million dollar business tried to rezone these properties, but their request was denied. She feels that it was a big loss for Vinton. She said that as she looks around she does not see any multi-million dollar businesses that have located in Vinton within the last three years. Ms. Setzer said that she believes Vinton is in a growth slump. She asked that the Commission not let another golden opportunity fall by the wayside as the Town did three years ago. Mary Beth Layman, of 1028 Almond Drive, was the next to address the Commissioners. She said her property is adjacent to the properties along Hardy Road. She stated that she is concerned that it is five separate parcels up for rezoning, rather than one large parcel, and is also concerned with the traffic situations that five separate businesses could cause. Ms. Layman stated that the existing bike lane already causes people to have to slow way down before turning into Dillon Woods to allow the bikers to pass. She said she would like to know how the traffic concerns will be addressed for the five separate properties. Ms. Layman mentioned that there are many vacant buildings in Town in suitable business areas that could be marketed for new businesses. She would like to know what the exact proposal is for the properties. Ms. Layman stated that she prefers RB zoning and then read aloud a few of the allowable uses in RB. She said that, in her opinion, RB is most appropriate zoning. However, if keeping the properties as RB zoning is not a possibility, she said there should be a limited business district that would limit size of buildings and development. Ms. Layman stated that the properties are directly adjacent to a strong neighborhood area. She said sense of community is important to Vinton, and the neighborhoods should be considered during development. The next person to address the Commissioners was Janet Scheid. She said she travels Hardy Road daily and also uses the bike lane and sidewalks frequently. She stated that she has an issue with there being no specific proposal for this property as they had three years ago. She said there were concerns with the traffic situation that could be caused by the development that was proposed years ago, and now there is not even a specific proposal to review. She wanted to know who would pay for the turning lanes that Mr. Horne's summary recommended. She said once the rezoning is granted, the Town will lose control over what can go there and how it will look. She mentioned that she knew that RB zoning was not perfect; however, she

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mentioned that it does have a business component to it. Tommy Wood spoke next. He stated that these property owners on Hardy Road are in the same situation as he is with some of his properties on Washington Avenue. He said his properties will have to be torn down due to the change of use rules and regulations. He said there are not only Town regulations, but also state and federal regulations involved. He stated the requirements make it impossible for owners to take an older building and update it for a new business. He speculated that it would cost Ms. Setzer a million dollars to convert her house to a business use. He mentioned Mr. Vinyard's empty car dealership in downtown Vinton and speculated that the change of use process is why it is still empty. He said it would be easier to tear it down and build a new structure. Mr. Wood would like to find a way to rezone the properties to GB and also ensure that traffic studies are paid for by the developer, not the taxpayers. He said the businesses in Town need more traffic, and that growth must happen in the Town in order to keep from raising taxes on those who are already here. He feels that something could be worked out between the Town and the property owners to get the zoning correct for these properties because they all want businesses to come to Town. Mr. Overstreet was the next person called upon to speak before the Commission. He said that if you have a business that comes within 15 feet of your back yard, it would make a difference to you. He mentioned that, if they plan to use the five existing houses for new businesses rather than building new structures, it might be different. The next to speak was Mr. Setzer who first said that, if they do not like development, perhaps they should consider moving out into the country. He felt that several speakers who addressed the Commission are making a "mountain out of a molehill". He stated that the last time a rezoning had been requested, Walgreens had a site plan showing the exact layout and had also provided additional buffer for the residential properties to the rear. He mentioned that he believes VDOT would handle the safety and traffic control issues. Ms. Pope added that any project that is brought in would require a traffic study, and the developers of the project would be responsible to pay for it. She also mentioned that previously, with the proposed Walgreen's project, they had proffered a buffer zone of 50 feet. She said they want the residents to be happy with whatever is done with the properties. Mr. Setzer also added that the developer paid for all the studies and plans the last time the rezoning was requested. He said the developer would take care of any studies that would be needed for future projects on the sites. Ms. McMillan mentioned that the properties are currently zoned RB, which does not allow retail unless it is incidental to the primary use. She also mentioned the change of use is required by county, state, and federal regulations. She said ADA amenities and fire protection measures are required for all new projects, and are required to change a residential use to a commercial use. She reminded everyone that the current rezoning request is for 5 separate parcels, and the minimum buffer required is 25 feet. She mentioned that, if the properties are rezoned, businesses that operate 24 hours a day could locate there, and the Town should consider the residences to the rear. She stated that once the properties are rezoned, developers cannot be held to anything other than what the current zoning ordinance allows. Ms. McMillan said the only proffers given by the applicants are certain uses that will not be allowed on the properties. Ms. McMillan asked if all the property owners are in attendance. Ms. Pope said that not all were at the meeting. The Town Attorney, Ms. Dillon, stated that they would not be able to submit new proffers since not all of the property owners were in attendance. However, she said they could submit additional proffers prior to the Town Council meeting. Mr. McGuire asked if the proposed buyer would be buying all 5 of the properties. Ms. Pope said she is not able to breach the confidentiality agreement at this time, but she did say that one buyer is interested in four of the lots. Mr. Overstreet stated nothing has changed. Mr. Mason asked about the timeline for the project. Ms. Pope said that she felt development would be very soon after the property was sold. Ms. Pope stated that they would be willing to proffer a buffer area of 35 feet on the four larger

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properties. Ms. Layman asked if there are any limitations in the ordinance on the hours of operation for a business. Ms. McMillan said they cannot regulate the hours of operation unless they are proffered during the rezoning. Ms. Setzer mentioned that, even in the RB District, a business could operate 24 hours per day. Chairman Jones asked what the Commission's options are, other than to vote yes or no on the rezoning. Ms. Dillon stated they have to decide whether or not they have the information they need to make a decision on it. Chairman Jones asked again about their options. Ms. Dillon said they have to make a decision one way or the other based on the information they have been given. Chairman Jones asked if they can continue it. Ms. Dillon said there does not seem to be any additional information forthcoming. Ms. McGuire asked if one large business that operates 24 hours per day builds on the properties, would they have tractor trailers unloading merchandise during the night while residents are trying to sleep. She stated that they need to consider that. Ms. Dillon mentioned that they could consider a continuation due to more proffers that may be offered and because not all property owners are in attendance for the meeting. Chairman Jones asked for further questions from the Commissioners. Mr. Booth said he had no comments to make at that time. Neither Mr. Mason nor Mr. Patterson had any further questions or comments. Chairman Jones had written comments from several other people who were not able to attend the meeting and who expressed that they are for the request. He said Dr. Black, Mr. Spessard, and Mr. McGhee were for the request. Mr. Overstreet said he was also representing the Hartsels, who are against the request. Chairman Jones made a motion to close public hearing. Ms. Turman asked for clarification on the noise ordinance in regard to this case, which Ms. McMillan gave her. Ms. McMillan also mentioned that the police department is in the process of revising the noise ordinance. A motion was then made by Mr. Booth to recommend the rezoning of the properties from RB to GB. The motion was seconded by Mr. Patterson. A roll call vote was taken and Mr. Booth and Mr. Patterson voted in favor of the motion. Chairman Jones and Mr. Mason voted against the motion. Ms. McMillan stated that the tie vote is a recommendation to Town Council to deny the rezoning. She stated that the Council will hear the request on October 5th. Chairman Jones asked for each Commissioner to state why he voted for or against the motion. Mr. Booth said that the Comprehensive Plan and Future Land Use Map show the lots as General Business. He feels that these properties should be General Business. He said it is not a matter of if it will happen, but when it will. Mr. Booth said he does not see how this can be turned down—Vinton needs the business. He said he does not think traffic flow is a concern. Mr. Patterson said this is progress and feels the Town needs to go with it. He said the proposed 35 feet proffer would help the residents. Chairman Jones said he is not opposed to Vinton moving ahead. He said he did not know at this time what business would come there, and they would not have the proper controls over the development. He said this needs to be done right. Chairman Jones felt that a yes vote today would be wrong. Mr. Mason said he heard several times that Vinton needs to grow. He said he did not have all the information he needed to make the best decision for his community and that is why he voted no. Chairman Jones said their recommendation to Council is to deny the rezoning. He stated that Council could overrule them if they wish to approve the rezoning.

In other business, Ms. McMillan said they need to try to have a work session in late September or early October about the Downtown Revitalization Plan. She mentioned that the Town Comprehensive Plan may need to be amended by adopting the Downtown Revitalization Plan to give the Town a better chance at obtaining Community Development Block Grant (CDBG) funding. Ms. McMillan also updated the commission on the status of Vinton Corridors Plan. She stated that the final plan is forthcoming and asked them to let her know whether they wanted paper copies or CD copies. Upcoming meeting days

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were discussed. Mr. Mason mentioned that his preference for meeting days would be Mondays, Tuesdays, or Thursdays. Mr. Booth said his preference for meetings is Thursdays. Ms. McMillan mentioned that the Commission will need to start looking at the zoning ordinance as a whole for revisions, instead of just piecemeal as in the past. The zoning ordinance has not been updated fully since 1995. Mr. Booth asked about the recommendation on the rezoning for the properties on Hardy Road that will go to Town Council. He wanted to know if Council will know that there were two votes for and two against. Ms. McMillan said they will outline the votes when reporting to Council and let them know that it was a tie vote. Chairman Jones reminded the Commission members that they must have good attendance for all of their meetings. He lamented that, if all members had been able to attend this meeting, there would not have been a tie vote tonight on the rezoning.

There was no further business. Mr. Patterson made a motion to adjourn the meeting, and Mr. Mason seconded it. Therefore, the meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Anita McMillan  
Planning Commission Secretary